

APPROVED: Meeting No. 33-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 30-80

July 28, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, July 28, 1980, at 8:10 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams
(arrived at 8:45 p.m.)

Councilwoman Phyllis Fordham

Councilman John Freeland

ABSENT

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Director of Planning James M. Davis; Chief of Police Jared Stout; Director of Finance John Lawton; Public Information Officer Sue M. Patterson; Budget Officer Anna Lee Berman; Director of Community Development and Housing Assistance Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. There will be a ribbon cutting ceremony at Heritage Housing complex on the Dawson Adams site on August 13.
2. He introduced Oona Stieglitz, a new intern in the City Manager's office.

Re: Acceptance of City Manager's Report
on sale of bond

At the meeting of June 30, 1980, the City Manager delivered an oral report on the June 25 sale of the City's General Improvement Bonds, Series 1980. A written report is now submitted in order to fulfil the requirements of Ordinance No. 19-80, which authorized the sale of the City's bonds, and ordered that a written report be delivered to the Mayor and Council on the sale of the bonds.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Mayor and Council accepted the City Manager's report on the sale of bonds.

July 28, 1980

Re: Waiver request for on-site
storm water management for
Monument Park, Lots 7, 8, and 9,
Block B

The subject request is in connection with the construction of houses on the three lots 7, 8 & 9 of Block B, Monument Park.

The increase in runoff from this development will flow to a nearby storm drainage system, through the New Mark Commons Lake, through the proposed Dogwood Park SWM Facility (E-25) and through the proposed Multi-Purpose Lake (E-2), then down the Cabin John Creek. Given the conditions in this case, the Montgomery Soil Conservation District would normally waive on-site SWM requirements. The gross area of these three lots is computed at 0.85 acres. The present rate for this type of development is \$1,800 resulting in an off-site contribution of \$1,350.

The S.W.M. Committee recommends that the City waive the on-site SWM requirement and accept this contribution toward the City's off-site SWM program, subject to a conformable waiver by the Montgomery Soil Conservation District.

Councilwoman Fordham asked if this was an area of run-off problems in the past. The City Manager said the previous area had storm sewer problems and they have been corrected.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the waiver was approved.

Re: Approval of contract for purchase
of land for Horners/Dover project

Before the Mayor and Council is an "Offer of Sale of Land" contract in the amount of \$8,100 for the purchase of property from Mr. Hazel O. Hawkins. The property in question is a strip of land approximately fifteen feet wide along the entire frontage of Mr. Hawkin's property at 725 North Horners Lane. The property being purchased contains 4,075 square feet and it is needed for the North Horners Lane Storm Drainage Project which is funded through the Community Development Block Grant (CDBG) program.

The needed property was the subject of an independent professional real estate appraisal by Mr. Charles C. Derry, SRA and the contract has been reviewed by the office of the City Attorney as to form and legality.

The proposed purchase price is believed to be fair to both the City and property owner and it is recommended that the contract be approved by the Mayor and Council.

On motion of Councilman Freeland, duly seconded and unanimously passed, approval of the contract was given.

Re: Approval of contract for purchase
of open space adjacent to Rockville
Academy

Before the Mayor and Council is a "Contract of Sale" obtained from the Rockville United Methodist Church for the purchase of a portion of the grounds of the former Rockville Academy. The contract reflects a purchase price of \$186,100 for the 1.068 acres of land which will be used for park purposes.

The property in question is an "L" shaped tract prominently located at South Adams Street and West Jefferson Street as shown on the attached drawing. The proposed park will abut the former Academy building and it also will abut a parking lot used by the Rockville United Methodist Church. The property is sodded and contains a number of mature trees.

The City will pay a deposit of \$18,610 which will be credited toward the purchase price at settlement. Settlement must be consummated by August 31, 1980, in accordance with the terms of the contract. The contract also provided for the City to grant to the Church a 20 foot right-of-way through the existing macadam driveway which connects South Adams Street with the Church's parking lot on the remaining grounds of the former Rockville Academy. The Church has agreed to maintain this right-of-way.

On May 21, 1980, the Maryland Board of Public Works approved the City's Program Open Space application for funding the purchase of this property. The State's share will be 75% and the City's share will be 25% of the purchase price and incidental expenses.

The property was the subject of independent real estate appraisal reports by Margaret Elliott, ASA and John J. Shank, MAI which determined that the purchase price was the fair market value for the subject property. The contract has been reviewed by the office of the City Attorney as to form and legality.

It is recommended that the contract to purchase 1.068 acres of the former Rockville Academy site from the Rockville United Methodist Church be approved by the Mayor and Council.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the contract for purchase was approved by the Mayor and Council. Mayor Hanna

noted that he is very happy to see open space used this way in an area that can certainly use it. Councilwoman Fordham said a pat on the back is due the staff and the Council for the work in accomplishing this purchase.

Re: Introduction of Resolution: To enlarge the corporate boundaries of the City of Rockville to include 9.69548 acres of land, of David E. and Maude W. Betts.

On motion of Councilman Freeland there was introduced upon the table a resolution enlarging the corporate boundaries of the City of Rockville to include 9.69548 acres of land, David E. & Maude W. Betts.

Re: Resolution: To provide for public hearing and notice in connection with the annexation of 9.69548 acres of land, of David E. and Maude W. Betts

Resolution No. 19-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 19-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing and notice in connection with Betts' annexation, was adopted by the Mayor and Council. A public hearing will be held on December 8, 1980.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques brought to the Council's attention, the intersection of Nelson and West Montgomery Avenue where traffic is a problem. If a correction is not made, there could be a serious accident. The second matter he noted was to get the Mayor and Council to consider planning for redistricting which could take place next year after the census figures are in.

2. David Betts, Esq. Mr. Betts said he is quite interested in the purchase of the Rockville Academy grounds since he is present Treasurer of Trustees of the Rockville Academy who sold the land originally to the Methodist Church. He noted the property was left in the will of Julius West, many years ago. Councilwoman Fordham suggested that Mr. Betts get together with Mrs. Patterson to do a news-letter article on the Academy grounds.

Mr. Betts gave the Mayor and Council a receipt for the recordation of the document of no objection to the resolution of annexation of his property.

3. Jacqueline Williams, 132 S. Adams Street. Ms. Williams thanked the Mayor and Council on behalf of the residents of S. Adams Street for the purchase of green space for the academy. She said the neighborhood is quite proud of the dedicated staff who worked with the neighborhood to bring it about, notably Ron Olson, Betty Farrell and Bernie Fitzgerald.

4. Delegate Forehand. Ms. Forehand said she is glad to be a part of the Academy purchase when it was brought to Annapolis. She told the Mayor and Council that the liquor license application for the Woodley Gardens Delly was turned down unanimously. She added that she had just attended her first Global Conference on the Future in Toronto and in talking with other people she has found that Rockville is way ahead of most of the other cities in the country.

5. Brian Kennedy. Mr. Kennedy told the Mayor and Council that he purchased a home in Rockville in October that had many areas in violation of the Rockville laws, and Rockville has only impeded his getting his home repaired. Mayor Hanna told Mr. Kennedy that after their telephone conversations, the Mayor spoke with the City Attorney's office again and asked him to go to the files and check the City's liability. Mayor Hanna told Mr. Kennedy that there is no responsibility on the part of the City and in order for Mr. Kennedy to resolve the situation, it would be necessary for him to litigate in the private market against the previous owner of the property.

6. Steve Miller. Mr. Miller said his business is at the corner of England Terrace and Stonestreet Avenue and it is very difficult getting in and out of the shop between 106 and 108 England Terrace. He asked for no parking signs to facilitate the traffic flow. He also asked if there could be increased police protection in that area since there has been a series of robberies. Mayor Hanna said the City will certainly try to increase the police patrol.

Re: Presentation of Market Analysis
for Office and Residential Development
in the Town Center.

Mr. Lewis Bolan, Vice President of Real Estate Reserach Corporation presented the Mayor and Council with a market analysis done by their company for office and residential development in the Town Center. Copies of the report will be available at City Hall.

Re: Work Session - Condominium conversion
legislation

The Mayor and Council conducted a work session on condominium conversion legislation. Councilman Freeland spoke for Councilman Tyner who was not present this evening and asked that the work session or any action be postponed since Councilman Tyner was very anxious to be present during the discussions. Mayor Hanna said he would go along with it although he had wished that some action would be taken this evening. He agreed it would be on the agenda August 11 and he asked the entire Council to be prepared to take action.

Councilman Freeland said although staff has done a great job in summarizing the material he does not see an objective in the legislation. He would like to ensure a reasonable amount of rental units in the City and take positive steps to deal with that problem. He would like to see a course of action pursued where something tangible could be done to assist apartment owners whether with garbage pickup or something similar that would save them money and enable them to continue to be landlords. He said the reason for the conversion is the cost of the rental units is not economical to the owner. Councilwoman Fordham said she would agree with Councilman Freeland's points that the subject tonight is legislation and not rentals. She said she looks forward to a roundtable meeting on housing the Council will be having in the future. Mayor Hanna noted many of the items that are being given to the tenants are not given to those purchasing a single family home. He does not see why they should be included here. He also noted that he is against the right of first refusal to tenant organizations. He said he would like the legislation looked on as the storm water management situation. There is no way that the storm water can be stopped but it is the obligation of government to control it so it does the least amount of damage as it passes through. Councilwoman Fordham suggested rent control during a period of conversion as had been mentioned to her by Reverend Kaseman. Mr. Lacey said that has been taken care of in the law. The Council then discussed the definition of handicapped and finally agreed that a definition should be added saying "that loss of a major occupational life skill." In answer to the Council's question for relocation assistance, Mr. Lacey explained that the relocation program set up by the County with the 4 percent transfer tax applies to the City of Rockville. Councilwoman Fordham suggested that the contract should include a warranty period that can be waived by the purchaser. Since there would be no action taken this evening due to Councilman Tyner's absence, Council agreed the

condominium legislation would be placed on the August 11 Mayor and Council agenda.

Re: Correspondence

The Mayor and Council noted the following items of correspondence

1. DOT, re appointment of E. T. Camponeschi as District Engineer
2. DOT, re Supplemental Appropriations Act
3. J. Rogers, Montgomery County, re City housing policy
4. Congressman Barnes, re First Street bridge project

The City Manager said a draft letter is being prepared for the Mayor and Council's response.

5. M. Kaseman, re condo legislation

Re: Information Items

1. Memo re deposits on non-returnable containers

Councilman Freeland asked if the Mayor and Council would like to take any action on this since the County government may act depending on Rockville's position. Councilwoman Fordham said there seems to be no good answer for a solution to this litter problem. Mayor Hanna said the Mayor and Council's policy has always been against the deposit and no member of the Council has asked that the policy be changed. He asked the City Manager to call the County Council and the County Executive's office and tell them that Rockville has no desire to change its policy.

2. Copy of letter from HOC re Twinbrook site revisions
3. Memo re new names for Dawson/Adams projects
4. Copy of letter from ICMA re workshop
5. Notice of DOT hearing on Intercounty connector
6. Memo on newspaper recycling program

Councilwoman Fordham complimented the staff on the letter but suggested that "environmental benefit" be added in the first paragraph. Council also suggested that in addition to answering telephone calls, calls be made to people reminding them about the program.

Re: New Business

Mayor Hanna noted that the National League of Cities is calling for a national moratorium on the award of Cable Television franchises. He gave information to Mr. Hobbs to pass on to the members of the Council.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 27-80, were approved as amended.

Re: Executive Session

On motion of Councilman Abrams, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:37 p.m. to convene again in general session on Monday, August 4, 1980, at 8:00 p.m. or at the call of the Mayor.